

## **301 KAR 4:095**

### **Buying and selling mounted wildlife specimens**

This administrative regulation establishes the requirements for the buying and selling of mounted wildlife specimens.

### **Significant Changes**

This is a new administrative regulation.

FILED WITH LRC TIME: <u>NOON</u>
SEP 12 2013
Donna Little REGULATIONS COMPILER

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (New Administrative Regulation)

4 301 KAR 4:095. Buying and selling mounted wildlife specimens.

5 RELATES TO: KRS 150.010, 150.180, 150.411

6 STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.4111(1), 150.4112, 150.4113

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the

8 department to promulgate administrative regulations establishing requirements for buying,

9 selling, or transporting wildlife. KRS 150.4111 authorizes licensed taxidermists to buy and sell

10 legally taken inedible wildlife parts for the purpose of mounting. KRS 150.4112 authorizes the

11 department to promulgate administrative regulations to allow resident nonprofit 501(c)(3)

12 institutions to sell donated mounted wildlife specimens and to provide a means by which each

13 transaction is recorded for certain wildlife mounts. KRS 150.4113 authorizes the department to

14 promulgate administrative regulations to allow the sale and purchase of mounted wildlife

15 specimens and to provide a means by which each transaction is recorded for certain wildlife

16 mounts. This administrative regulation establishes the requirements for the buying and selling of

17 mounted wildlife specimens.

18 Section 1. Definitions. (1) "Deer" means *Odocoileus virginianus*.

19 (2) "Elk" means *Cervus elaphus nelsoni*.

20 (3) "Wild turkey" means *Meleagris gallopavo sylvestris*.

21 Section 2. (1) A mounted wildlife specimen purchased from or sold to a licensed taxidermist

under KRS 150.4111 shall be exempt from the requirements of this administrative regulation.

(2) A mounted wildlife specimen may be bought or sold by any person or entity, except as prohibited by federal law.

(3) A nonprofit charitable, religious, or educational institution which has qualified for exemption under Section 501(c)(3) of the Internal Revenue Code may sell mounted wildlife specimens if the mounts have been donated, except as prohibited by federal law.

(4) Prior to selling a mounted wildlife specimen of a species established in paragraphs (a) through (e) of this subsection, any person or entity established in subsection (2) or (3) of this section shall first obtain a registration number from the department for each mounted specimen of:

(a) Black bear;

(b) Bobcat;

(c) Deer;

(d) Elk; or

(e) Wild turkey.

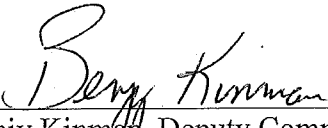
(5) Each person or entity established in subsection (2) or (3) of this section shall obtain a registration number for each specimen of the species established in subsection (4) of this section by completing the online registration process on the department's website at [fw.ky.gov](http://fw.ky.gov).


(6) Prior to selling a mounted wildlife specimen of a species established in subsection (4) of this section, a person or entity established in subsection (2) or (3) of this section shall affix the registration number to the mount in a clear and legible manner.

(7) A department registration number shall be required for each sale of a mounted wildlife specimen established in subsection (4) of this section.

- 1 (8) A department registration number shall not be required for any mounted wildlife specimen
- 2 not established in subsection (4) of this section.

Approved by the Fish and Wildlife Commission

 9/6/13  
Benjy Kinman, Deputy Commissioner, for  
Dr. Jonathan Gassett, Commissioner  
Department of Fish and Wildlife Resources

 9/11/13  
Robert H. Stewart, Secretary  
Tourism, Arts and Heritage Cabinet

\_\_\_\_\_  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on October 22, 2013, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by October 31, 2013.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Department of Fish and Wildlife Resources  
Arnold L. Mitchell Building  
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-3400 FAX (502) 564-9136  
Email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## **Regulatory Impact Analysis And Tiering Statement**

301 KAR 4:095. Buying and selling of wildlife mounts

Contact Person: Rose Mack

- (1) Provide a brief summary of:
  - (a) What the administrative regulation does: This administrative regulation establishes the requirements for the buying and selling of mounted wildlife specimens.
  - (b) The necessity of the administrative regulation: This administrative regulation is necessary to satisfy the requirements of KRS 150.4112 and 150.4113, two recently effective statutes enacted to allow the sale of mounted wildlife specimens.
  - (c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting wildlife. KRS 150.4111 authorizes licensed taxidermists to buy and sell legally taken inedible wildlife parts for the purpose of mounting. KRS 150.4112 authorizes the department to promulgate administrative regulations to allow resident nonprofit 501(c)(3) institutions to sell donated mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts. KRS 150.4113 authorizes the department to promulgate administrative regulations to allow the sale and purchase of mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts.
  - (d) How will this administrative regulation assist in the effective administration of the statutes: This administrative regulation establishes the process and recording requirements for the buying and selling of mounted wildlife specimens, as required by KRS 150.4112 and 150.4113.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change the existing administrative regulation: This administrative regulation is new.
  - (b) The necessity of the amendment to this administrative regulation: This administrative regulation is new.
  - (c) How does the amendment conform to the authorizing statutes: See (1)(c) above.
  - (d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.
- (3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: Those individuals or entities, including nonprofit organizations, who wish to buy or sell mounted wildlife specimens will now have the statutory and regulatory authority to do so.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals or entities, including nonprofit organizations, who wish to buy or sell mounted wildlife specimens will be required to follow the requirements of this administrative regulation. Any person, entity, or nonprofit organization wishing to sell a wildlife mount of a deer, elk, turkey, black bear, or bobcat will be required to obtain a registration number from the department for each specimen.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the entities in question (3).
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals and other entities will now be able to legally buy and sell mounted wildlife specimens. Nonprofit organizations will now be able to accept donated mounted wildlife specimens in order to sell them to raise funds.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
  - (a) Initially: There will be a minimal cost to the department initially to set up the online registration process.
  - (b) On a continuing basis: There will be minimal cost on a continuing basis.
- (6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. An increase in fees will not be necessary to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: No fees were directly or indirectly established or increased.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used) No, tiering is not applied in this administrative regulation, as all individuals and entities will be treated the same.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 4:095  
Contact Person: Rose Mack  
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Administrative Services Division and Law Enforcement Division will be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1)(c), 150.4111, 150.4112, and 150.4113.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be a minimal cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will a minimal cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. There will be a small cost with relation to employees' time in creating an online registration system, and once created, the system will require minimal effort to maintain.

Revenues (+/-):

Expenditures (+/-):

Other Explanation